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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,933	09/16/2003	Marc A. Najork	MSFT-2736/305415.01	2335

41505 7590 05/04/2007
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EXAMINER

PONIKIEWSKI, TOMASZ

ART UNIT	PAPER NUMBER
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2165

MAIL DATE	DELIVERY MODE
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05/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/663,933

Applicant(s)

NAJORK, MARC A.

Examiner

Tomasz Ponikiewski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 19-24 and 28-40 is/are pending in the application.
- 4a) Of the above claim(s) 28-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 19-24, 33-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

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DETAILED ACTION

Remarks

1. Applicant's response filed on 2/06/2007 is acknowledged. The response overcomes objections and rejections under 112 and 101.
2. Claims 1-15, 19-24 and 28-40 are pending. Claims 16-18 and 25-27 are canceled. Claims 28-32 are withdrawn from consideration. Therefore claim 1-15, 1-24 and 33-40.

Election/Restrictions

3. This application contains claims 28-32 drawn to an invention nonelected without traverse in action mailed 2/06/2007. A complete reply to this office action must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
5. Claims 33-40 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 33-40 are not limited to tangible embodiments. In view of applicant's disclosure, specification page 13-14, paragraph 0045, the medium is not limited to tangible embodiments. As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

To overcome this type of 101 rejection the claims need to be amended to include only the physical computer media and not a transmission media or other intangible or non-functional media. For this specification, communication media may not be statutory as it may include medium that is not statutory.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Dutta (US 2002/0078045 A1).

As per claim 19 Dutta is directed to a method for assigning a score to a document of a plurality of structurally linked documents wherein the document is located on a Web server defined by at least one of: (A) a server comprising a plurality of Web pages with the same symbolic host name (Dutta, figure 2, number 42, wherein each

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information content server could have same symbolic host name), (B) a server comprising a plurality of Web pages associated with the same domain (Dutta, figure 2, number 42, wherein each information content server is a domain), and (C) a server having a plurality of Web pages associated with the same IP address (not covered since the claim offers a choice of servers) and the document has at least one backlink from at least one source document of the plurality of structurally linked documents (Dutta, page 2, paragraph 0010, lines 9-10) comprising:

calculating the score of the document in proportion to at least one score associated with at least one of the at least one source document (Dutta, page 8, paragraph 0047, lines 20-21, wherein "number of documents" could mean "weighting value");

calculating the score in inverse proportion to the number of said at least one source document located on said Web server (Dutta, page 8, paragraph 0047, lines 20-21, wherein "number of documents" could mean "weighting value"); and

storing the score (Dutta, page 5, paragraph 0035).

As per claim 20 Dutta is directed to the score is calculated inversely proportional to the number of said at least one source document located on the same Web server (Dutta, page 8, paragraph 0047, lines 20-21, wherein "number of documents" could mean "weighting value").

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As per claim 21 Dutta is directed to the score is calculated inversely proportional to the number of said at least one source document having the same symbolic host name (Dutta, figure 2, number 42, wherein each information content server could have same symbolic host name; page 8, paragraph 0047, lines 20-21, wherein "number of documents" could mean "weighting value").

As per claim 22 Dutta is directed to the score is calculated inversely proportional to the number of said at least one source document associated with the same domain (Dutta, figure 2, number 42, wherein each information content server is a domain; page 8, paragraph 0047, lines 20-21, wherein "number of documents" could mean "weighting value").

As per claim 23 Dutta is directed to the score is calculated inversely proportional to the number of said at least one source document associated with the same internet protocol (IP) address (not covered since claim 19 offers a choice of servers).

As per claim 24 Dutta is directed to the plurality of structurally linked documents are Web pages having hyperlinks and the document is a Web page (Dutta, page 2, paragraph 0010, lines 8-10).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-14 and 33-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta (US 2002/0078045 A1) view of Shimoda (JP 4160540 A).

As per claim 1 Dutta is directed to a method for assigning a score to a document of a plurality of structurally linked documents wherein the document is located on a Web server defined by at least one of: (A) a server comprising a plurality of Web pages with the same symbolic host name (Dutta, figure 2, number 42, wherein each information content server could have same symbolic host name), (B) a server comprising a plurality of Web pages associated with the same domain (Dutta, figure 2, number 42, wherein each information content server is a domain), and (C) a server having a plurality of Web pages associated with the same IP address (not covered since the claim offers a choice of servers) and the document has at least one backlink from at least one other document of the plurality of structurally linked documents, comprising (Dutta, page 2, paragraph 0010, lines 9-10):

inverse proportion (Dutta, page 8, paragraph 0047, lines 20-21),
storing the score (Dutta, page 5, paragraph 0035).

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Dutta does not teach assigning the score to the document in inverse proportion to the number of documents located on said Web server.

Shimoda teaches assigning the score to the document in proportion to the number of documents located on said Web server (Shimoda, abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Dutta by teachings of Shimoda to include assigning the score to the document in proportion to the number of documents located on said Web server because assigning a score to a document is well known in the art.

As per claim 2 Dutta as modified is directed to assigning the score to the document in proportion to the number of said at least one other document (Dutta, page 8, paragraph 0047, lines 27-28, wherein "number of documents" could mean "weight value").

As per claim 3 Dutta as modified is directed to assigning the score in proportion to at least one score assigned to at least one of said at least one other document (Dutta, page 2, paragraph 0013, lines 7-9).

As per claim 4 Dutta as modified is directed to assigning the score in proportion to (A) the number of said at least one other document and (B) at least one score assigned to at least one of said at least one other document (Dutta, page 2, paragraph

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0013, lines 7-9; page 8, paragraph 0047, lines 27-28, wherein "number of documents" could mean "weight value").

As per claim 5 Dutta as modified is directed to assigning the score to the document in inverse proportion to the number of outlinks of at least one of said at least one other document (Dutta, page 2, paragraph 0010, lines 8-10).

As per claim 6 Dutta as modified is directed to said assigning includes assigning the score to the document in inverse proportion to the number of documents located on the same domain as said document (Dutta, figure 2, number 42, wherein each information content server is a domain; Shimoda, abstract).

As per claim 7 Dutta as modified is directed to said assigning includes assigning the score to the document in inverse proportion to the number of documents having the same symbolic host name as said document (Dutta, figure 2, number 42, wherein each information content server could have same symbolic host name; page 8, paragraph 0047, lines 20-21, wherein "number of documents" could mean "weighting value").

As per claim 8 Dutta as modified is directed to said assigning includes assigning the score to the document in inverse proportion to the number of documents associated with the same internet protocol (IP) address as said document (not covered since claim 1 offers a choice of servers).

As per claim 9 Dutta as modified is directed to assigning the score to the document based upon summing the scores of the at least one other document linking to said first document (Dutta, page 9, paragraph 0055, lines 29-33, wherein "other document" score could mean "weight value").

As per claim 10 Dutta as modified is directed to the plurality of structurally linked documents are Web pages having hyperlinks and the document is a Web page (Dutta, page 2, paragraph 0010, lines 8-10).

As per claim 11 Dutta as modified is directed to including outputting the score of the document to a component of a Web search service (Dutta, page 10, paragraph 0056, lines 15-16).

As per claim 12 Dutta as modified is directed to including assigning a preferred set of documents scores higher than an average minimum score (Dutta, page 9, paragraph 0055, lines 3-9).

As per claim 13 Dutta as modified is directed to the set of preferred documents is based on at least one of Nielsen ratings, ratings assigned by humans, Web page usage patterns extracted from ISP proxy logs, Web page usage patterns extracted from a

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search engine and documents specified according to a user preference (Dutta, page 9, paragraph 0055, lines 6-9).

As per claim 14 Dutta as modified is directed to including altering the score of the document based upon an additional scoring technique to said assigning the score (Dutta, page 9, paragraph 0055, lines 1-39; page 9, paragraph 0055, lines 17-22).

As per claim 33 Dutta is directed to a computer readable medium comprising computer executable modules comprising computer executable instructions for assigning a score to a document (Dutta, page 4, paragraph 0034, lines 11-13; page 5, paragraph 0034, line 1) of a plurality of structurally linked documents wherein the document is located on a Web server and has at least one backlink from at least one other document of the plurality of structurally linked documents, the modules comprising (Dutta, page 2, paragraph 0010, lines 9-10):

means for inverse proportion ((Dutta, page 8, paragraph 0047, lines 20-21)

means for storing the score (Dutta, page 5, paragraph 0035).

Dutta does not teach means for assigning the score to the document proportion to the number of documents located on said Web server.

Shimoda teaches means for assigning the score to the document proportion to the number of documents located on said Web server (Shimoda, abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Dutta by teachings of Shimoda to include means for

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assigning the score to the document proportion to the number of documents located on said Web server because assigning a score to a document is well know in the art.

As per claim 34 Dutta as modified is directed to means for assigning the score to the document in proportion to the number of said at least one other document (Dutta, page 8, paragraph 0047, lines 27-28, wherein "number of documents" could mean "weight value").

As per claim 35 Dutta as modified is directed to means for assigning the score in proportion to at least one score assigned to at least one of said at least one other document (Dutta, page 2, paragraph 0013, lines 7-9).

As per claim 36 Dutta as modified is directed to means for assigning the score in proportion to (A) the number of said at least one other document and (B) at least one score assigned to at least one of said at least one other document (Dutta, page 2, paragraph 0013, lines 7-9; page 8, paragraph 0047, lines 27-28, wherein "number of documents" could mean "weight value").

As per claim 37 Dutta as modified is directed to means for assigning the score to the document in inverse proportion to the number of outlinks of at least one of said at least one other document (Dutta, page 2, paragraph 0010, lines 8-10).

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As per claim 38 Dutta as modified is directed to means for assigning includes means for assigning the score to the document in inverse proportion to the number of documents located on a Web server with the same symbolic host name as said document name (Dutta, figure 2, number 42, wherein each information content server could have same symbolic host name; page 8, paragraph 0047, lines 20-21, wherein "number of documents" could mean "weighting value").

As per claim 39 Dutta as modified is directed to means for assigning includes means for assigning the score to the document in inverse proportion to the number of documents located on the same domain as said document (Dutta, figure 2, number 42, wherein each information content server is a domain; page 8, paragraph 0047, lines 20-21, wherein "number of documents" could mean "weighting value").

As per claim 40 Dutta as modified is directed to means for assigning includes means for assigning the score to the document in inverse proportion to the number of documents associated with the same internet protocol (IP) address as said document (Dutta, figure 2, number 42, wherein each information content server is a domain; page 8, paragraph 0047, lines 20-21, wherein "number of documents" could mean "weighting value").

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10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta (US 2002/0078045 A1) view of Shimoda (JP 4160540 A) and further in view of Guerber (US 2,935,732).

As per claim 15 Dutta as modified still does not teach comparing the score against said additional scoring technique to discover anomalous results.

Guerber does teach comparing the score against said additional scoring technique to discover anomalous results (Guerber, column 7, lines 20-23, wherein if no equality exists then no appropriate signal is sent).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Dutta as modified with teachings of Guerber to include comparing the score against a second scoring technique to discover anomalous results because the result of such comparison proves that the scoring was done appropriately (Guerber, column 7, lines 26-27).

Response to Arguments

11. Applicant's arguments with respect to claims 1-15, 19-24 and 33-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

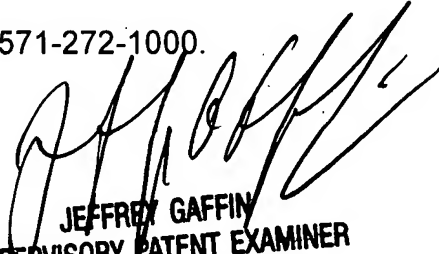
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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tomasz Ponikiewski whose telephone number is (571)272-1721. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571)272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tomasz Ponikiewski
April 30, 2007


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